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United States Senate

COMMITTEE ON APPROPRIATIONS
WASHINGTON, DC 20510-6025
<http://appropriations.senate.gov>

May 11, 2005

The Honorable George W. Bush
President of the United States
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear President Bush:

With the release of the Defense Department's Base Realignment and Closure (BRAC) recommendations expected later this week, we remain concerned that the 130th Airlift Wing of the Air National Guard, based at Yeager Field in Charleston, West Virginia, may be included on the list. Based on the important contributions that this unit is making to the capabilities of the Air National Guard and to the defense of our national security, including the ongoing operations in Iraq and Afghanistan, we ask you to reject any list that recommends the closure or realignment of the 130th Airlift Wing at Yeager.

We also call to your attention two provisions in federal law that would appear to prohibit the closure or relocation of a Guard unit without the express consent of the governor of the State.

The provisions are as follows:

Title 10 USC 18238 Army National Guard of United States; Air National Guard of United States: limitation on relocation of units

(e) A unit of the Army National Guard of the United States or the Air National Guard of the United States may not be relocated or withdrawn under this chapter without the consent of the governor of the State or, in the case of the District of Columbia, the commanding general of the National Guard of the District of Columbia.

Title 32 USC 104 National Guard Organization Units: location, organization, command

(c) To secure a force the units of which when combined will form complete higher tactical units, the President may designate the units of the National


The Honorable George W. Bush
May 11, 2005
Page 2


Guard, by branch of the Army or organization of the Air Force, to be maintained in each State and Territory, Puerto Rico, and the District of Columbia. However, no change in the branch, organization, or allotment of a unit located entirely within a State may be made without the approval of its governor.

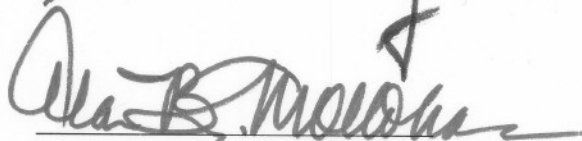
Clearly, Mr. President, the intent of these provisions is to ensure that no decision affecting the organization or relocation of an Army or Air National Guard unit within a State can be made without the consent of the governor of the State.

We feel strongly that this is an important pillar of state's rights, and we urge you to reject any BRAC list that recommends the closure or realignment of any Army or Air National Guard unit, including the 130th Airlift Wing of the West Virginia National Guard, without the consent of the governor of the affected State.


Sincerely,


Senator Robert C. Byrd


Senator John D. Rockefeller, IV


Representative Alan Mollohan


Representative Shelley Moore Capito


Representative Nick Rahall